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EXAMINER

DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/624,207	Applicant(s) WRENHOLT ET AL.	
	Examiner James J. Debrow	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: RCE filled 24 Jan 2007.
2. Claims 1-12 are pending in this case. Claims 1, 11 and 12 are independent claims.

Applicant's Response

3. In Applicant's response dated 24 Jan 2007, Applicant amended claims 1, 11 and 12; argued against all objections and rejection previously set forth in previous Office Action.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 Jan 2007 has been entered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Amado et al. (Pub. No.: US 2003/0220905 A1; Filed may 23, 2003) (hereinafter 'Amado').**

In regards to independent claim 1, Amado discloses a *method for creating pages for a publication comprising:*

a. assembling a collection of images of subjects to appear in the publication (0033; 0042-0044; 0055 Amado discloses a user interface which allows the user to submit images/photos for a proposed publication.);

b. collecting data related to the subject of each of the images of said collection (0033; 0055 Amado discloses a user interface which allows the user to submit images/photos and text for a proposed publication.).

c. creating a database linking each of the assembled images of the collection to the data collected related to the subject of the images and storing said images and said database on a first computer system (0026; 0033; 0050; 0055; 0087

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Fig. 5; Fig 6; Amado discloses in the planning stage, image files, text files and graphic files can be submitted to the server for storage.).

d. *using one of a plurality of second computers at a location remote from said first computer system to access said database (0023; Amado discloses content submission by a wide range of individual from separate interactive interface tools via the Internet.).*

e. *using said one of said plurality of second computers to select and communicate to said first computer system (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be selected from the collection of images and grouped by the first computer system using the data stored in the database related to the subject of each of the images of the collection (0048; 0052; 0054-0058; 0083; Amado disclose the user can select layouts and content for any page of the publication.).*

f. *using said first computer system and said database to automatically create and store as a file a panel for said at least one page of the publication, said panel comprising images selected from said collection and grouped based upon the desired page layout and manner in which the images should be selected and grouped as communicated by said one of said second computers to said first computer system, said file containing low-resolution versions of said images (0030; 0045; 0075; Amado discloses the original image file can be converted into a low-resolution image in color space. Amado discloses a panel page, which contains individual photos and names of each student.).*

g. transferring said panel from said first computer system to one of said plurality of second computers (0030; 0074-0076; 0084).

h. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable (0074-76; Amado discloses means to create, edit, review and approve each page of the publication.).

i. using said first computer system to automatically modify the acceptable page by changing the low-resolution images to high-resolution images (0045; 0058; 0061; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press. Thus automatically modifying the acceptable page by changing the low-resolution images to high-resolution images.).

i. printing said modified page as part of the printing of the publication (0045; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press.).

In regards to dependent claim 2, Amado discloses the method of claim 1 wherein data stored in the database is used to automatically create captions for the

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photographs (0078-0079, Amado discloses automatically creating captions.).

In regards to dependent claim 3-6, Amado discloses the method of claim 1 wherein said publication is a yearbook (0005; 0013;0086 Amado discloses publishing a college or high school yearbook. However, in regards to claims 3-6, these differences are only nonfunctional descriptive material. That is, these differences do no affect the functionality of the present invention. The invention, as recited in Claim 1, will operate exactly the same regardless of whether the "publication" is a yearbook, directory, calendar, or special event publication. Thus, the descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2nd 1381, 1385, 217 USPQ 401,404 (Fed. Cir 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).

In regards to dependent claim 7, Amado discloses *the method of claim 1 wherein said database is a relational database* (0026; 0033;0050; 0055; Fig. 5; Fig 6; Amado discloses in the planning stage, image files, text files and graphic files can be submitted to the server for storage. In creating a database linking of each image and the related date, it has been established and it is well known in the art that a relational database is typically used when creating a linking relationship between objects within a database.).

In regards to dependent claim 8, Amado discloses *the method of claim 1 wherein said images are photographs* (0021; 0023; 0033; 0034).

In regards to dependent claim 9, Amado discloses *the method of claim 1 wherein cropping values indicated on the low-resolution images are applied to the high-resolution images as part of the step of changing the low-resolution images to high-resolution images* (0033; 0045-0048; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses using an editor tool for cropping the selected photo.).

In regards to dependent claim 10, Amado discloses *the method of claim 1 wherein scaling values indicated on the low-resolution images are applied to the high-resolution images as part of the step of changing the low-resolution images to high-resolution images* (0045; 0058; 0061; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press. During the process of changing from a low-resolution image to a high-resolution image, scaling values are inherently applied.)

In regards to independent claim 11, Amado discloses *a method for creating pages for a publication comprising:*

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a. *assembling a collection of images to appear in the publication* 0033; 0042-0044; 0055 Amado discloses a user interface which allows the user to submit images/photos for a proposed publication.).

b. *collecting data related to the subject of each of the images of the collection* (0033; 0055 Amado discloses a user interface which allows the user to submit images/photos and text for a proposed publication.).

c. *creating a database linking the images of the collection to the data related to the subject of the images and storing said images and said database on a first computer system* (0026; 0033;0050; 0055; 0087 Fig. 5; Fig 6; Amado discloses in the planning stage, image files, text files and graphic files can be submitted to the server for storage.).

d. *notifying at least one of a plurality of second computers that said database has been created* (0039; 0051; 0081; Amado discloses the system can automatically send notices alerting the user about a problem that needs attention. Using the broadest reasonable interpretation, the Examiner concludes one could use Amado teaching to suggest notifying at least one of a plurality of second computers that said database has been created.).

e. *using one of said plurality of second computers at a location remote from said first computer system to access said database* (0023; Amado discloses content submission by a wide range of individual from separate interactive interface tools via the Internet.).

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f. using one of said plurality of second computers to select and communicate to said first computer system (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be selected and grouped using the data related to the subject of each of the images stored in the database_(0048; 0052; 0054-0058; 0083; Amado disclose the user can select layouts and content for any page of the publication.).

g. using said first computer system and said database to automatically create and store as a file a panel for said at least one page of the publication based upon the desired page layout and manner in which the images should be selected and grouped communicated by said one of said second computers to said first computer system, said file containing low-resolution versions of said images (0030; 0045; 0075; Amado discloses the original image file can be converted into a low-resolution image in color space. Amado discloses a panel page, which contains individual photos and names of each student.).

h. *transferring said panel from said first computer to one of said plurality of second computers* (0030; 0074-0076; 0084).

i. *using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable* (0074-76; Amado discloses means to create, edit, review and approve each page of the publication.).

j. *using said first computer system to modify the acceptable page by changing the low-resolution images to high-resolution images* (0045; 0058; 0061;

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Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press. Thus automatically modify the acceptable page by changing the low-resolution images to high-resolution images.).

k. printing said modified page as part of the printing of the publication (0045; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press.).

In regards to independent claim 12, Amado discloses a method for creating pages for a publication comprising:

a. *assembling a collection of images of subjects to appear in the publication* (0033; 0042-0044; 0055 Amado discloses a user interface which allows the user to submit images/photos for a proposed publication.).

b. *collecting data related to subjects portrayed in the images* (0033; 0055 Amado discloses a user interface which allows the user to submit images/photos and text for a proposed publication.).

c. *creating a database comprising at least in part the collected data related to said subjects, wherein the database is located on a first computer system and contains links between the data related to the subject of an image and the*

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corresponding image of said assembled collection of images system (0026; 0033;0050; 0055; 0087 Fig. 5; Fig 6; Amado discloses in the planning stage, image files, text files and graphic files can be submitted to the server for storage.).

d. using one of a plurality of second computers at a location remote from said first computer system to access said database and said image files (0023; Amado discloses content submission by a wide range of individual from separate interactive interface tools via the Internet.)

e. using one of said plurality of second computers to select and communicate to said first computer system (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be selected and grouped using the data related to the subjects portrayed in the images stored in the database (0048; 0052; 0054-0058; 0083; Amado disclose the user can select layouts and content for any page of the publication.).

f. using said first computer system and said database to automatically create and store as a file a panel for said at least one page of the publication based upon the desired page layout and manner in which the images should be selected and grouped communicated by said one of said second computers to said first computer system, said file containing low-resolution versions of said images (0030; 0045; 0075; Amado discloses the original image file can be converted into a low-resolution image in color space. Amado discloses a panel page, which contains individual photos and names of each student.).

g. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable (0074-76; Amado discloses means to create, edit, review and approve each page of the publication.).

h. using said first computer system to modify the acceptable page by changing the low-resolution images to high-resolution images (0045; 0058; 0061; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press. Thus automatically modifying the acceptable page by changing the low-resolution images to high-resolution images.).

i. printing said modified page as part of the printing of the publication (0045; Amado discloses the original image file can be converted into a low-resolution image in color to render a publication page for editing or proofing. Amado further discloses high-resolution versions of the images are stored until rendered and sent to the printing press.).

Note

7. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. A new ground(s) of rejection is made in view of Amado.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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